

Application No. 09/973,225
Amendment dated 8/13/03
Reply to Office Action of 4/21/2003

REMARKS

By Office Action mailed April 21, 2003, pending claims 2-5, 8, 10 and 11 were rejected under 35 U.S.C. 112 and are accordingly amended to overcome the 35 U.S.C. 112 rejections. Specifically, independent Claims 2 and 5 are amended to more accurately and unambiguously describe the engagement of the device within the hole. The amendment includes specific mention of the central axis of the hole, previously assumed by the nature of sealable holes, and useful to allow accurate description of the positioning of the device within the hole. For the same reason, the rim is specifically described as planar rather than reliance on the implication from the previous reference to the shape ("disc" in Claim 2 and "frustaconical" in Claim 5). The foregoing amendments allow the description of the supported position of the device normal to the axis of the hole such that the opposing axial forces, one applied to the apex and the other applied to the rim result in the expansion of the rim. It will be noted that the directions of the opposing axial forces were already specified and the resultant flattening of the device surface is expressly recited to eliminate any uncertainty as to the functioning of the device as described in the specification. The amendments are submitted as not introducing new matter, but specifically describing features previously assumed or implied by previously recited features.

Claim 5 has also been amended to include the limitations previously recited in claim 10, which is now cancelled and claim 11 is amended to depend from amended claim 5 rather than claim 10. Claim 3 is canceled in view of the Examiner's remarks.

Pending claim 2 was rejected under 35 U.S.C. 102(b) as anticipated by US Pat No. 859733 to Bot and by US Pat No. 2058452 to Hoffman, both of which references describe frustaconical washers flattened by restraining bolts. Neither cited device seals a hole by traversing the hole, rather they bridge the gap surrounding a central bolt (Hoffman) or pipe (Bot). Hoffman specifically does not seal the hole and teaches the sizing of the central opening to allow a

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clearance for the bolt at column2, lines 26 and 27. As amended Claim specifically described sealing the hole and a central apex of the device surface, both of which features are not shown or suggested by either reference. To completely clarify the difference between the present invention as claimed and the cited devices, the qualifier "continuous" is added to the description of the cone or dome shaped surface. That the claimed surface is continuous was intended to be implicit in the recital of a cone or dome with an apex, and that fact is now expressly claimed to avoid any uncertainty. Pending claim 2 was also rejected under 35 U.S.C. 102(b) as anticipated by US Pat No. 84601475 to Nicholson, which also describes an annular gasket with a central opening, and the foregoing remarks are equally relevant to this art. Claim 4 depends from Claim 2 and is rejected as anticipated by the same prior art, which art avoided by the present amendment to Claim 2. Moreover, the Nicholson device if it had an apex would have an apex raised in the opposite direction from that recited in Claim 4, and that structural difference is crucial to the function of the device. Accordingly, the device of claim 4 is neither anticipated nor suggested by Nicholson.

Claims 10 and 11 were rejected under 35 U.S.C. 103 as unpatentable over Bot in view of US Pat No. 3326560 to Trbovich, which shows an annular seal with a "V" section wherein the apex is oriented axially such that the legs of the "V" are spread under axial force. Claim 5 is amended to correlate to prior claim 10 and to specifically claim, although not in the same terms, the radial orientation of the "V" section. The specific reference to the reduced separation of the rims in response to axial force is in opposition to the increased separation of the corresponding "legs" in Trbovich and distinctly claim the invention. In addition, it is submitted that in any event, there is no possible modification of the Bot device suggested by Trbovich, and certainly not a modification that might approach the claimed invention. Nevertheless, the above amendments are submitted to avoid any potential ambiguity.

Since the remaining claims believed to be allowable under 35 U.S.C. 112, 102(b) and 103, each of the presently pending claims in this application, are believed to be in immediate condition

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for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and that a Notice of Allowance be issued in this case.

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Respectively submitted,



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